



Matthew R. Jenkins
JACOX, MECKSTROTH & JENKINS
Suite 2
2310 Far Hills Building
Dayton OH 45419-1575

COPY MAILED

APR 21 2004

OFFICE OF PETITIONS

In re Application of
Gallagher, et al.
Application No. 10/698,567
Filed: October 31, 2003
Attorney Docket No. VAL 176 P2
For: ELECTRIC POWER STEERING
SYSTEM FOR A VEHICLE

:
:
: DECISION GRANTING
: PETITION
:
:

This is a decision on the petition filed March 4, 2004 requesting, in effect, partial withdrawal of the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed February 4, 2004. The petition will be treated under 37 CFR 1.53(e).

The application was filed on October 31, 2003. On February 4, 2004, the Office of Initial Patent Examination mailed a Notice informing petitioners that Figures 19, 20, and 34 described in the specification appeared to have been omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that Figures 19, 20, and 34 be accorded a filing date of October 31, 2003 on the basis that 23 sheets of drawing figures, including Figures 19, 20, and 34, were received in the Patent and Trademark Office (PTO) on October 31, 2003. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing October 31, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 23 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 23 sheets of drawing figures were filed on October 31, 2003. MPEP 503. A review of the originally filed sheets of drawings reveals that only 22 sheets are present. Accordingly, the request is granted.

Pursuant to petitioners' authorization, the \$130.00 fee submitted with the instant petition will be credited to deposit account no. 50-1287.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of October 31, 2003, using the 23 sheets of replacement drawings submitted with the instant petition. Office records will be corrected to show that 23 sheets of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions